

REMARKS

The Office Action dated July 12, 2004, has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 10, 17, 22, 23, 29, 30, 32, 33, 39 and 40 have been amended to correct informalities. Claim 41 is added. No new matter has been added. Applicants note the amendments were not made to overcome any statutory rejection or objection, and are entitled to their full range of equivalents. Thus, claims 1-41 are pending in the present application and are respectfully submitted for consideration.

Claims 1-20 were rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. The Office Action alleged that the feature "status information" recited in claim 1 is unclear. Applicants respectfully traverse this rejection.

Applicants submit that the use of "status information" is proper and that the scope of the subject matter embraced by claim 1 is clear. If the scope of the subject matter embraced by the claims is clear, and if applicants have not otherwise indicated that they intend the invention to be of a scope different from that defined in the claims, then the claims comply with 35 U.S.C. §112, second paragraph. MPEP 2173.04. The Office Action did not indicate that applicants have intended that the invention be of a scope different than that defined in claim 1. Applicants submit that the Office Action does not provide any evidence that the feature of "status information" is to be of a scope different

than that defined in claim 1. As discussed in applicant's previous response filed April 28, 2004, the specification discusses status information at page 9, line 14 to page 10, line 15. Specifically, the status information may be information about the network, hub, or server itself. Applicants submit that there is nothing in these statements that indicates the invention is of a scope different than that defined in claim 1. Therefore, applicants maintain that the feature "status information" is not indefinite and respectfully request that the indefiniteness rejection be withdrawn.

Claims 1-14 and 21-41 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 5,541,927 (*Kristol et al.*) in view of U.S. Patent No. 5,774,607 (*Montulli*). The Office Action took the position that *Kristol* teaches all the features of the pending claims except that the server is status information to a client. The Office Action then took the position that *Montulli* teaches a server pushing status, read as state, information to a client. Applicants submit that the cited references, either alone or in combination, do not disclose or suggest all the features of pending claims 1-41.

Claim 1, upon which claims 2-20 are dependent, presently recites a network hub in a communication network. The network hub includes a server. The server pushes status information constructed at the hub to a client.

Claim 21, upon which claims 22-30 are dependent, recites a communication apparatus. The communication apparatus includes a network information table storing network information from the network information receiver. The communication

apparatus also includes a network information transmitter selectively push transmitting the network information in the network information table.

Claim 31, upon which claims 32-40 are dependent, recites a communication apparatus. The communication apparatus includes a network information receiver, operably coupled with a communication network, for receiving network information. The communication apparatus also includes a network information table for storing network information from the network information receiver. The communication apparatus also includes a network operations detector detecting the network information and producing operational information of an operational state of the network. The communication apparatus also includes a network information transmitter, for transmitting the operational information of an operational state of the network.

As discussed in the specification, examples of the present invention enable the server to push status information to a client, and a network information transmitter to selectively push transmit the network information or the operational information of an operational state of the network. Push technology may transmit information to a client, or data recipient, without a specific request for that information from the client. It is respectfully submitted that the cited references, either alone or in combination, fail to disclose or suggest all the elements of any of the presently pending claims. Therefore, the cited references fail to provide the critical and unobvious advantages discussed above.

Kristol relates to a method of multicasting. *Kristol* was discussed in applicant's previous responses and its disclosure need not be repeated. Specifically, *Kristol* does not

disclose or suggest a server pushing status information to a client. Because of this deficiency, *Montulli* was additionally cited.

Montulli relates to a persistent client state in a hypertext transfer protocol based client-server system. *Montulli* describes an HTTP client that requests a file, such as an HTML document on an HTTP server. The HTTP server transmits the file to the client. In addition, the HTTP server transmits a state object that describes certain state information to the HTTP client. The HTTP client stores the state object and sends the state object back to the HTTP server when making later requests for files. The state object is transmitted from the HTTP client to a server only when the HTTP client makes an HTTP request to the server and the server is within a domain. *Montulli* also describes that the server sends a piece of state information that the client system stores when the server responds to an HTTP request by returning an object to a client. The client in turn, sends the current value of the state object to the server when future requests are sent. Thus, according to *Montulli*, web servers play an active role in transactions between clients and servers by adding the ability to transfer state information back and forth. *Montulli*, however, does not disclose or suggest the feature of a server pushing status information to a client.

In contrast, claim 1 recites "the server pushing status information to a client." Claim 21 recites "a network information transmitter selectively push transmitting the network information in the network information table." Claim 31 recites "a network information transmitter, transmitting the operational information of an operational state

of the network." Applicants submit that the cited references, either alone or in combination, do not disclose or suggest at least these features of the pending claims.

Applicants submit that the feature of pushing status information to a client is not disclosed or suggested by the cited references. Referring to *Montulli*, the server sends a state object after a request is received from a client. The client of *Montulli* then forwards updated state object information to the server. The server of *Montulli* only sends the object in response to a request and does not push the state object to the client. Thus, *Montulli* does not disclose or suggest pushing status information to a client. Further, *Montulli* does not disclose or suggest a network information transmitter selectively push transmitting network information in a network information table. Applicants submit that *Montulli* describes that any transmission reception of the state object is dependent upon the client requesting a document from the server. This aspect of *Montulli* does not disclose or suggest a server pushing status information to a client.

Thus, for at least these reasons, applicants submit that claims 1, 21 and 31 are not disclosed or suggested by *Kristol* and *Montulli*, either alone or in combination. Further, claims 2-20, 22-30 and 32-40 are allowable for at least their dependence on the independent claims. Applicants respectfully request that the obviousness rejection of these claims be withdrawn.

Claims 15-20 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Kristol* in view of *Montulli*, and further in view of U.S. Patent No. 5,651,006 (*Fujino et al.*) The Office Action took the position that neither *Kristol* nor

Montulli teaches that the information is a management information based statistic. The Office Action then took the position that *Fujino* teaches this feature missing from *Kristol* and *Montulli*. Applicants submit that the cited references, either alone or in combination, do not disclose or suggest all the features of the presently pending claims.

Claims 15-20 depend directly or indirectly from independent claim 1, discussed above. Claim 1 is summarized above, and applicants submit that *Fujino* does not disclose or suggest those features of claim 1 missing from *Kristol* and *Montulli*.

Fujino relates to a hierarchical network management system. *Fujino* describes a system that is structured by a plurality of agents and sub-managers connected to lower communication networks and an integration manager connected to a higher communication network. The sub-managers function as agents to the integration manager and as a manager to each agent. *Fujino* describes a simple network management protocol between each agent and its sub-manager and between a sub-manager and integration manager. *Fujino*, however, does not disclose or suggest the feature of a server pushing status information to a client.

In contrast, as discussed above, claim 1 recites "the server pushing status information to a client." As with *Kristol* and *Montulli*, applicants submit that *Fujino* does not disclose or suggest at least this feature of the pending claims. The collected information of *Fujino* is not pushed to a client by a server. Instead, *Fujino* describes collected information being held in a format which is set of a plurality of management objects expressed in a tree structure and is accessed at a reference request from the

integration manager and is posted to the integration manager. This aspect of *Fujino* does not disclose or suggest a server pushing status information to a client. Thus, *Fujino* does not disclose or suggest those features of claim 1 missing from *Kristol* and *Montulli*, either alone or in combination.

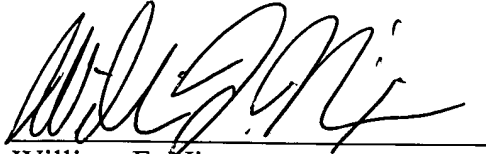
Claims 15-20 depend directly or indirectly from independent claim 1. As discussed above, claim 1 is not rendered obvious by the cited references, either alone or in combination. If an independent claim is non-obvious, then any claim depending therefrom also is non-obvious. MPEP 2143.03. Therefore, for at least these reasons, applicants submit that claims 15-20 are not disclosed or suggested by the cited references, either alone or in combination, and respectfully request that the obviousness rejection of these claims be withdrawn.

It is submitted that each of claims 1-40 recite subject matter that is neither disclosed nor suggested by the cited references, either alone or in combination. Further, new claim 41 is allowable for at least the reasons given above. It is therefore respectfully requested that all of claims 1-41 be allowed, and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'William F. Nixon', written over a horizontal line.

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